

AMENDED IN SENATE JUNE 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 453

Introduced by Assembly Member Bigelow

February 23, 2015

An act to amend ~~Section~~ *Sections 1552, 10730.2, and 10750.1* of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL’S DIGEST

AB 453, as amended, Bigelow. Groundwater management.

~~Existing~~

(1) *Existing* law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Existing law, with certain exceptions, prohibits a local agency from adopting a new groundwater management plan and requires an existing groundwater management plan to remain in effect until a groundwater sustainability plan is adopted.

This bill would authorize, until a groundwater sustainability plan is adopted, a local agency to amend an existing groundwater management plan in furtherance of, and consistent with, the groundwater management plan’s objectives.

(2) Existing law authorizes, until a groundwater sustainability plan is adopted, a local agency to impose fees for the purposes of groundwater management as long as a groundwater management plan adopted before January 1, 2015, is in effect for the basin.

This bill would instead authorize a local agency to impose fees and collect groundwater extraction information for developing and adopting a revised groundwater management plan.

(3) Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for the administration of the State Water Resources Control Board's water rights program.

This bill would prohibit the board from using water rights fee moneys in the Water Rights Fund for enforcement of the Sustainable Groundwater Management Act and certain groundwater reporting requirements.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1552 of the Water Code is amended to
2 read:

3 1552. (a) The money in the Water Rights Fund is available
4 for expenditure, upon appropriation by the Legislature, for the
5 following purposes:

6 ~~(a)~~

7 (1) For expenditure by the State Board of Equalization in the
8 administration of this chapter and the Fee Collection Procedures
9 Law (Part 30 (commencing with Section 55001) of Division 2 of
10 the Revenue and Taxation Code) in connection with any fee or
11 expense subject to this chapter.

12 ~~(b)~~

13 (2) For the payment of refunds, pursuant to Part 30 (commencing
14 with Section 55001) of Division 2 of the Revenue and Taxation
15 Code, of fees or expenses collected pursuant to this chapter.

16 ~~(c)~~

17 (3) For expenditure by the board for the purposes of carrying
18 out this division, Division 1 (commencing with Section 100), Part
19 2 (commencing with Section 10500) and Chapter 11 (commencing

1 with Section 10735) of Part 2.74 of Division 6, and Article 7
2 (commencing with Section 13550) of Chapter 7 of Division 7.

3 ~~(d)~~

4 (4) For expenditures by the board for the purposes of carrying
5 out Sections 13160 and 13160.1 in connection with activities
6 involving hydroelectric power projects subject to licensing by the
7 Federal Energy Regulatory Commission.

8 ~~(e)~~

9 (5) For expenditures by the board for the purposes of carrying
10 out Sections 13140 and 13170 in connection with plans and policies
11 that address the diversion or use of water.

12 *(b) Water rights fee moneys in the Water Rights Fund shall not*
13 *be available for expenditure by the board for the purposes of Part*
14 *5.2 (commencing with Section 5200) and Chapter 11 (commencing*
15 *with Section 10735) of Part 2.74 of Division 6.*

16 SEC. 2. Section 10730.2 of the Water Code is amended to read:

17 10730.2. (a) A groundwater sustainability agency that adopts
18 a groundwater sustainability plan pursuant to this part may impose
19 fees on the extraction of groundwater from the basin to fund costs
20 of groundwater management, including, but not limited to, the
21 costs of the following:

22 (1) Administration, operation, and maintenance, including a
23 prudent reserve.

24 (2) Acquisition of lands or other property, facilities, and services.

25 (3) Supply, production, treatment, or distribution of water.

26 (4) Other activities necessary or convenient to implement the
27 plan.

28 ~~(b) Until a groundwater sustainability plan is adopted pursuant~~
29 ~~to this part, Subject to Section 10750.1, a local agency may impose~~
30 ~~fees in accordance with the procedures provided in this section~~
31 ~~chapter and collect groundwater extraction information as~~
32 ~~provided by Sections 10725.6 and 10725.8 for the purposes of~~
33 ~~developing and adopting a revised groundwater management plan~~
34 ~~pursuant to Part 2.75 (commencing with Section 10750) as long~~
35 ~~as a groundwater management plan adopted before January 1,~~
36 ~~2015, is in effect for the basin. 10750).~~

37 (c) Fees imposed pursuant to this section shall be adopted in
38 accordance with subdivisions (a) and (b) of Section 6 of Article
39 XIID of the California Constitution.

1 (d) Fees imposed pursuant to this section may include fixed fees
2 and fees charged on a volumetric basis, including, but not limited
3 to, fees that increase based on the quantity of groundwater produced
4 annually, the year in which the production of groundwater
5 commenced from a groundwater extraction facility, and impacts
6 to the basin.

7 (e) The power granted by this section is in addition to any
8 powers a groundwater sustainability agency has under any other
9 law.

10 ~~SECTION 4.~~

11 *SEC. 3.* Section 10750.1 of the Water Code is amended to read:

12 10750.1. (a) Beginning January 1, 2015, a new plan shall not
13 ~~be adopted and an existing plan shall not be renewed pursuant to~~
14 ~~this part, adopted~~, except as provided in subdivision (b). A plan
15 adopted before January 1, 2015, shall remain in effect until a
16 groundwater sustainability plan is adopted pursuant to Part 2.74
17 (commencing with Section 10720), and may be amended in
18 furtherance of, and consistent with, plan objectives until a
19 groundwater sustainability plan is adopted.

20 (b) This section does not apply to a low- or very low priority
21 basin as categorized for the purposes of Part 2.74 (commencing
22 with Section 10720).

23 (c) This section does not apply to a plan submitted as an
24 alternative pursuant to Section 10733.6, unless the department has
25 ~~not determined that the alternative satisfies~~ *determined that the*
26 *alternative does not satisfy* the objectives of Part 2.74 (commencing
27 with Section 10720) on or before January 31, 2020, or the
28 department later determines that the plan does not satisfy the
29 objectives of that part.